

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

1 WILLIS BOYD ANNIS,

Case No. 3:22-cv-00016-MMD-CSD

2 v.

Plaintiff,

3 DOUGLAS COUNTY PROSECUTORS,
9 et al.,

ORDER

10 Defendants.

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12 On February 4, 2022, the Court received a letter from *pro se* Plaintiff Willis B. Annis
13 addressed to Chief Judge Miranda M. Du, attached here. Annis currently has three open
14 cases before Judge Du, and two additional cases that were recently closed. In his letter,
15 Annis explained that he is not currently located at Lake's Crossing Hospital, and that he
16 is being illegally detained at 1038 Buckeye Road in Minden, NV—the address of the
17 Douglas County Sheriff's Office and Douglas County Jail. He further states that the letter
18 is his third request for release.¹

19 Annis writes that his letter is not an ex parte communication. An ex parte
20 communication is “a communication between a *pro se* party or attorney and a judge or
21 chambers when the opposing party or attorney is not present or copied, including
22 telephone calls, letters, or emails.” Local Rule IA 7-2(a). A party may not make an ex
23 parte communication except as specifically permitted by the Court or the Federal Rules
24 of Civil Procedure, and any ex parte filing must state which rule permits the party to file
25 ex parte and must explain why the filing is on an ex parte basis. Local Rule IA 7-2(b). The

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28 ¹Because Annis did not indicate which of his cases, open or closed, this letter was
in reference to, if any, the Court indicates that it received this communication in each of
Annis' open cases.

1 Court finds that Annis' letter is an ex parte communication that does not fall under any
2 rule permitting ex parte filings. Annis' letter must be filed on the docket.

3 At this time, the Court cannot address the relief requested in Annis' letter. of Annis'
4 open cases are civil rights cases brough under 42 U.S.C. § 1983. All § 1983 cases
5 brought *in forma pauperis* by a prisoner are subject to screening. See 28 U.S.C. § 1915A.
6 The Court cannot decide whether Annis is entitled to his requested relief until his
7 complaints are screened. At this time, Annis has not filed a completed application to
8 proceed *in forma pauperis* and § 1983 complaint on the Court's correct forms in any of
9 his open cases, so the screening process has not yet begun. Due to the large number of
10 complaints awaiting screening, the screening process may take several months.

11 Moreover, the Court cautions Annis that he must file a new action if he seeks
12 release from pretrial detention at the Douglas County Jail. "Habeas corpus proceedings
13 are the proper mechanism for a prisoner to challenge the 'legality or duration' of
14 confinement." *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (quoting *Preiser v.*
15 *Rodriguez*, 411 U.S. 475, 484 (1973)). "A civil rights action, in contrast, is the proper
16 method of challenging "conditions of . . . confinement." *Id.* (quoting *Preiser*, 411 U.S. at
17 498-99)). If Annis seeks to challenge his detention at the Douglas County Jail as illegal,
18 he must file a habeas corpus action and either pay the \$5 filing fee or complete an
19 application to proceed *in forma pauperis* on the Court's approved forms. If Annis seeks
20 to challenge the conditions of his confinement at the Douglas County Jail, he must file a
21 § 1983 complaint, either pay the \$402 filing fee or complete an application to proceed *in*
22 *forma pauperis* on the Court's approved forms, and await the Court's screening of his
23 complaint. The Court will not grant relief based on letters sent to a judge.

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In this case, the Court has directed Annis to file a completed application to proceed *in forma pauperis* on the Court's approved form by February 25, 2022. (ECF No. 4) If Annis do so, the Court will then screen Annis' complaint which, as stated above, may take several months. If Annis wishes to file a motion in this case, he must include the case number and explain clearly what relief he seeks and why he is entitled to it.

DATED THIS 7th Day of February 2022.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE

Exhibit A

1-30-2022

Miranda DH,

This is Willis Boyd Annis III
I'm not in Leake's Crossing Hosp,
I'm illegally Detained on Non Violent
Charges. I've got a Pardon for
non violent charges that clearly
State I'm not to be arrested or
Jailed for ~~felony~~ frivolous, Non
Violent actions, Crimes, I'm not
to be charged! Now I've written
to this court on several occasions and
I keep asking for my immediate release.
You keep Dying this release. I've
told the court that in Case Name,
Willis Boyd Annis V. State of Vermont
Prosecutors and Federal Prosecutors in
the State of Vermont, Case No. —
5:2013-CV-00047, I have a Remedies
page Table of Relief that was
Approved by a three Panel of
Second Circuit Supreme Court of
Appeals Justices 3,5, and 7
That Granted me Summary Judgement
Over all Parties, There is a section
in that Federal Injunction against

Future charges arrests and being
jailed for Non Violent charges
Im not to be detained this is a
Signed Pardon from The Supreme
Court You are in Violation of this
mandate Please Order my release
to be immediate or I will take
legal action for Unlawful Imprison
imprisonment and Violation of a
Supreme Court Order, granting me
immunity against non violent charges.
See Table/Pages of remedy in case
No. 3:2013-cv-00047,
Annis V. State of Vermont Presently
Et Al. Im being illegally confined at
1038 Buck eye Ln. Mendon NV. 89423
This is my 3rd Request for Release
1-30-2022 *Willis Boyd Anni II*

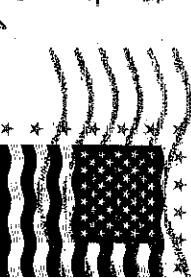
Willis Boyd Anni II
P.O. Box 1777
Mendon NV 89423

This is not a EX Parte
communication

CLERK US DISTRICT COURT U.S. DISTRICT COURT OF NEVADA	
P.O. Box 1777	
RENO, NV 89502	
RECEIVED FILED ENTERED COUNSEL/PARTIES OF RECORD SERVED ON	
FEB 04 2022	

W.S. District Court 9th Cir.
 c/o Justice Miranda M. Au.
 400 S. Virginia St.
 Reno NV 89501

02 FEB 2022 PM 2 T



Douglas County Sheriff's Office, NV
OUTGOING INMATE MAIL